



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of:
Robert C. Frame

Serial No.: 09/096,684

Filed: June 12, 1998

For: PORTABLE COMPUTER SYSTEM

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Group Art Unit: 2673

Examiner: Lao, L Technology Center 2600

Atty. Docket: COMP:0060/FLE
PD-25744

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APR 22 2003

Assistant Commissioner
for Patents
Washington, D.C. 20231

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APR 28 2003

Office of Patent Publication
Director's Office

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37 C.F.R. 1.8

hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below:

April 15, 2003
Date

Michael G. Fletcher

Sir:

**LETTER TO EXAMINER REGARDING ORDER
RETURNING UNDOCKETED APPEAL TO EXAMINER**

On March 3, 2003, the Board entered an Order Returning Undocketed Appeal to Examiner, stating that the application was returned to enter a fee for the Notice of Appeal filed on September 17, 2001. Specifically, the Board stated that before further review of this file, the Notice of Appeal fee must be applied to the Appellant's account. However, a review of Appellant's file, along with related materials, reveals that the fee for the Notice of Appeal appears to have already been paid. Accordingly, if Patent Office records do not indicate payment of this fee, it may be due to an error in the Patent Office not recording that such fee was charged.

In the Notice of Appeal mailed on September 7, 2001, Appellant attached a PTO-2038 form authorizing the charge of the requisite fee to the credit card listed thereon. Furthermore, the Notice of Appeal stated that if the PTO-2038 form was missing, if the amount listed thereon was insufficient, or if the amount was unable to be charged to the credit card for any other reason, the

BOARD OF PATENT APPEALS
AND INTERFERENCES

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Commissioner was authorized to charge Deposit Account No. 06-1315, Order No.

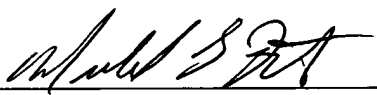
COMP:0060/FLE (PD-25744).

The undersigned has reviewed the invoices related to the credit card listed on the PTO-2038 form, and it appears that the fee of \$310.00 was charged to the undersigned's account on October 1, 2001. See Exhibit A. Furthermore, the undersigned has reviewed records of the listed Deposit Account in the relevant time period, and no charges for the above-referenced file or for the amount of \$310.00 appears. Therefore, it is respectfully believed that the Patent Office charged the fee for the Notice of Appeal to the undersigned's credit card as requested in the Notice of Appeal.

In view of the remarks set forth above, Appellant respectfully submits that the fee for the Notice of Appeal has been paid by Appellant and possibly misapplied by the Patent Office. Therefore, Appellant requests that the Patent Office consider the fee for the Notice of Appeal as having been paid and forward the application to the Board for consideration of the pending Appeal. However, if Appellant's belief is incorrect, the Commissioner is authorized to charge the requisite fee for the Notice of Appeal to Deposit Account No. 08-2025; Order No. COMP:0060/FLE (200304707-1).

Respectfully submitted,

Date: April 15, 2003



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FLETCHER, YODER & VAN SOMEREN
P.O. Box 692289
Houston, Texas 77269-2289
(281) 970-4545

EXHIBIT

A

Amount \$

1,998.00

Reference: 027011285

36.00

FOOD & BEVERAGE CC

FOOD/BEV

31.32

TIP

Reference: 006010073

1-844-000

GOVT. SVCS. NOT ELSEWHE

Reference: 027508385

42.86

HOME IMPROVEMENT

Reference: 68797

310.00.

GOVT. SVCS. NOT ELSEWHE

Reference: 027508385

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GOVT. SVCS. NOT ELSEWHE

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Reference: 027609152

750.00

GOVT. SVCS. NOT ELSEWHE

Reference: 027609152

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Change of Address
If correct on front
do not use

Name _____

Company

Name _____

Street Address

City, State

Zip Code

Area Code and Home Phone

Area Code and
Work Phone

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Providing your email address to American Express will enable you to receive special offers, suited to your needs.